IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 8TH DECEMBER 2006 / 17TH AGRAHAYANA 1928

WP(C).No. 32413 of 2006(H)

PETITIONER:

SMT.PALLIPATH NAFEESA, W/O.M.P.MUHAMMED,
PALLIPATH HOUSE, SREEKANDAPURAM VILLAGE,
THALIPARAMBA TALUK, KANNUR DIST.

BY ADV. SRI.PROMY KAPRAKKATT
SRI.SUNIL NAIR PALAKKAT
SRI.K.N.ABHILASH
SMT.P.K.BEENA

RESPONDENTS:

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1. SPECIAL DEPUTY TAHSILDAR
(REVENUE RECOVERY), K.S.F.E. KANNUR BRANCH,
KOUSAR COMPLEX, CALTEX, KANNUR.

2. THE MANAGER,
KSFE, SREEKANDAPURAM BRANCH, KANNUR DIST.

3. M.P. MUHAMMED,
PALLIPATH HOUSE, SREEKANDAPURAM VILLAGE,
THALIPARAMBA TALUK, KANNUR DIST.

R1 BY GOVT.PLEADER SRI. M.A.FAYAZ.
R2 BY SRI.A.K.JOHN, ADDL.SC., KSFE LTD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION

ON 08/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B. RADHAKRISHNAN, J.

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WP(C).No.32413 OF 2006-H

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Dated this the 8th day of December, 2006.

JUDGMENT

Heard the learned counsel for the petitioner and the learned standing counsel for the KSFE.

2. The petitioner is the guarantor of a loan availed by her husband, the third respondent, who also had a chitty transaction with the second respondent KSFE. Revenue recovery proceedings are initiated on account of default and the property of the petitioner is being proceeded against. Though the petitioner attempts to resile from her liability under the contract, I do not find any ground to uphold such contention. Under such circumstances, the learned counsel for the petitioner submits that the petitioner may be permitted to pay off the entire outstandings within a period of three months and avert the sale which is listed to today.

3. In the aforesaid circumstances, while rejecting all other contentions of the petitioner, it is directed

that the sale, if any, that would be held, shall not be confirmed for a period of three months provided the petitioner pays off the entire outstandings in three equal monthly instalments to be paid on or before the last working day of every month commencing from December, 2006. If any of the instalments is defaulted, the benefit of this judgment will stand recalled automatically. In such event, the petitioner will also be liable to pay the KSFE an additional amount of Rs.10,000/- by way of costs.

The writ petition is disposed of in the above terms.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-